

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO.
04-10017-GAO

UNITED STATES OF AMERICA

v.

WILLIAM P. SMALLWOOD

**ORDER PURSUANT TO UNITED STATES v. KING,
818 F.2D 112, 115, footnote 3 (1st Cir. 1987)**

February 12, 2004

DEIN, U.S.M.J.

The defendant is charged in a one count indictment with criminal contempt of court in violation of 18 U.S.C. § 401(3). An initial appearance and arraignment were held before this court today. The defendant was represented by counsel.

The government moved for a detention hearing pursuant to 18 U.S.C. §§ 3142(f)(1)(B) and (f)(2)(A), and contends that the defendant poses a danger to the community and a risk of flight. The defendant is currently held in custody pending trial in the Massachusetts state courts. Accordingly, all parties agreed to continue the detention hearing in the instant case until such time as the defendant is released from state custody in accord with the protocol set forth in United States v. King, 818 F.2d 112, 115, footnote 3 (1st Cir. 1987).

I rule that the defendant has waived his right to have a detention hearing at his first appearance in this case. Id. It is ORDERED that the detention hearing be, and the

same hereby is, CONTINUED until further order of this Court. It is FURTHER ORDERED that the defendant be, and he hereby is, DETAINED pending the detention hearing. See 18 U.S.C. § 3142 ("During a continuance, the defendant shall be detained . . ."). The U.S. Marshal is ORDERED to lodge a detainer against the defendant with the state authorities on the basis of the within Order.

Review of the within Detention Order may be had by the defendant filing a motion for revocation or amendment of the within Order pursuant to 18 U.S.C. § 3145(b).

/ s / Judith Gail Dein
JUDITH GAIL DEIN
UNITED STATES MAGISTRATE JUDGE